

On March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, the January 25, 2021 meeting will be conducted via videoconference.

NOTICE OF STUDY SESSION
Conditional Use Permit Requirement (Olive Blvd.) and
Communications Training
VIA VIDEOCONFERENCE
January 25, 2021 at 5:30 p.m.

AGENDA

Requested by the Councilmember Bwayne Smotherson and Councilmember Stacy Clay

1. Meeting called to order
2. Changes to Regular Agenda
3. Conditional Use Permit Requirement (Along Olive Blvd.)
4. Communications Training
5. Adjournment

Members of the public can view the meeting by one of the following:

Webinar via the link below:

<https://us02web.zoom.us/j/83101724914?pwd=VHVSMm1GTWZ3dWp4eUI5a0phY2lZQT09>
Passcode: 930974

Live Stream via YouTube:

<https://www.youtube.com/channel/UCyN1EJ-Q22918E9EZimWoQ>

Audio Only Call

Or iPhone one-tap :

US: +19292056099,,83101724914# or +13017158592,,83101724914#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

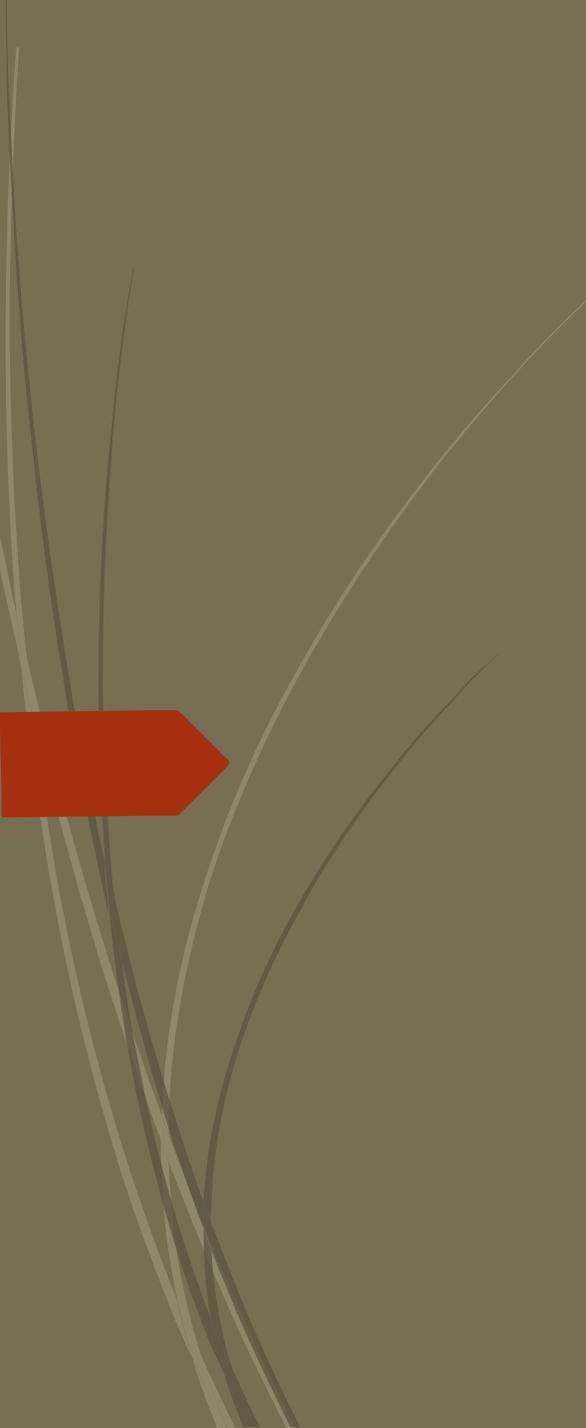
US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 831 0172 4914

International numbers available: <https://us02web.zoom.us/j/83101724914>

Posted this 22nd day of January, 2021.

LaRette Reese
City Clerk



Conditional Use Permit Process & Prospective Amendments

City of University City Planning & Development

City Council Study Session – January 25, 2021

➤ What is a Conditional Use Permit (CUP)

➤ Zoning / Land Use Action

➤ Permitted vs. CUP

(Allows for special consideration of certain specified uses that may or not be compatible with an area. (Case by Case basis) – Standards and/or Conditions



CUP Defined

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT									
No.	USE DESCRIPTION	Residential			Commercial			Industrial	
		R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
1	Adult Entertainment								C
2	Agricultural & farming equipment sales & service					P	P	P	P
3	Agricultural & farming facilities & uses - other	C	C	C	C	C	C	C	C
4	Agricultural & farming operations - including livestock	C			C	C	C	C	C
5	Aircraft related facilities & uses							C	P
6	Airports and heliports & aircraft related facilities & uses							C	P
7	Alcohol & drug abuse treatment centers - in-patient				C	C	P	P	P
8	Alcohol & drug abuse treatment clinics - out-patient				P	P	P	P	P
9	Amusement and theme parks & related facilities & uses - indoor				C	P	P	P	P
10	Amusement and theme parks & related facilities & uses - outdoor				C	C	C	C	P
11	Animal & pet grooming services - domestic				P	P	P	P	P
12	Animal & pet related services & uses - other				C	C	C	P	P
13	Animal & pet shops & pet supply sales - domestic					C	C	P	P
14	Antique sales & reconditioning services				P	P	P	P	P
15	Appliances - household - parts & supplies sales & repair services				C	P	P	P	P
16	Appliances - household - rental & leasing services				C	P	P	P	P
17	Appliances - household - sales & service				C	P	P	P	P
18	Appliances - household - wholesale & distribution						C	P	P
19	Archery equipment & supplies sales				C	P	P	P	P



Example CUP Standards

► Standards For Approval – (Most Important Consideration)

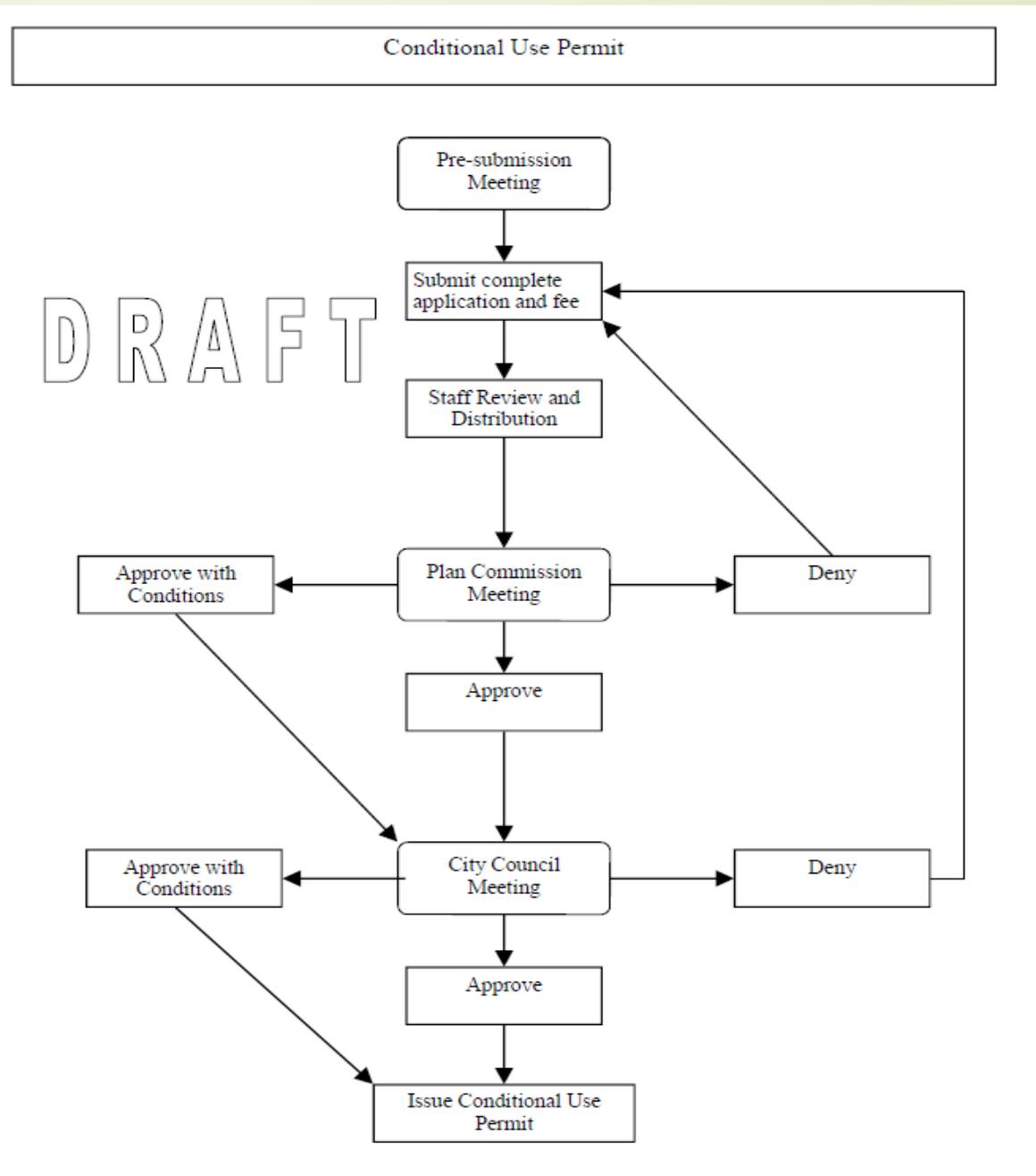
A. Standards for Medical Marijuana Dispensary Facility

No building shall be constructed, altered, or used for a Medical Marijuana Dispensary without complying with the following regulations.

1. **Buffer Requirement.** No Medical Marijuana Dispensary shall be located within Five Hundred (500) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child care center, or church, to the main public entrance of the medical marijuana business.
2. **Residential Zoning Buffer Requirement.** No Medical Marijuana Dispensary shall be located within One Hundred Fifty (150) feet of a residentially zoned district. Measurements shall be made in a straight line, without regard to intervening structures, from the main public entrance of the medical marijuana business to the nearest property line of the residentially zoned district.
3. **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
4. **Hours of Operation.** All Medical Marijuana Dispensaries shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.
5. **Display of License Required.** The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. **Residential Dwelling Units Prohibited.** No Medical Marijuana Dispensary shall be located in a building that contains a residence.
7. **Ventilation Required.** All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.



Process Flowchart





PC Recommendation & City Council Actions

Process – Required City Approvals

Plan Commission. Section 400.2700.C of the Zoning Code requires that C.U.P. applications be reviewed by Plan Commission. The Plan Commission shall make a recommendation to the City Council for their consideration. A public hearing is required at the Plan Commission meeting.

City Council. Section 400.2700.D of the Zoning Code requires that C.U.P. applications be reviewed by City Council for the final decision, subsequent to the public hearing and recommendation from Plan Commission. In conducting its review, City Council shall consider the staff report, Plan Commission's recommendation, and application to determine if the proposed C.U.P. application meets the requirements of the Zoning Code.



Review Criteria

Review Criteria

When evaluating a Conditional Use Permit the applicant is required to ensure that the following criteria is being met in accordance to the provisions set forth in Section 400.2710 of the Zoning Code. The Criteria is as follows;

1. The proposed use complies with the standards of this Chapter, including performance standards, and the standards for motor vehicle oriented businesses, if applicable, as contained in Section **400.2730** of this Article;
2. The impact of projected vehicular traffic volumes and site access is not detrimental with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment;
3. The proposed use will not cause undue impacts on the provision of public services such as police and fire protection, schools, and parks;
4. Adequate utility, drainage and other such necessary facilities have been or will be provided;
5. The proposed use is compatible with the surrounding area;
6. The proposed use will not adversely impact designated historic landmarks or districts; and



Findings of Fact

Findings of Fact (Section 400.2720)

The Plan Commission shall not recommend approval of a conditional use permit unless it shall, in each specific case, make specific written findings of fact based directly upon the particular evidence presented to it supporting the conclusion that the proposed conditional use:

1. Complies with all applicable provisions of this Chapter;
2. At the specific location will contribute to and promote the community welfare or convenience;
3. Will not cause substantial injury to the value of neighboring property;
4. Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), the Olive Boulevard Design Guidelines (if applicable), and any other official planning and development policies of the City; and
5. Will provide off-street parking and loading areas in accordance with the standards contained in Article **VII** of this Chapter



Requirements & Public Hearing

Section 400.3220. Notice of Public Hearing.

[R.O. 2011 §34-170; Ord. No. 6139 §1(Exh. A (part)), 1997]

- A. A notice of every public hearing to be held under this Chapter shall be given as follows:
1. The notice of a public hearing shall be published, at least once, in an official paper or a paper of general circulation within the City;
 2. Publication shall commence not more than thirty (30) days nor less than fifteen (15) days before the hearing date; and
 3. The notice shall provide the time and place of the hearing and include the following information:
 - a. A street address of the subject property or other description of the location of such property;
 - b. The name of the applicant or appellant; and
 - c. A description of the specific action being requested by the applicant or appellant.
- B. It shall be the responsibility of the Zoning Administrator to prepare and submit such notices for publication for hearings before the Plan Commission and the Board of Adjustment. It shall be the responsibility of the City Clerk to prepare and submit such notices for publication for hearings before the City Council.

Division 2. Notification of Property Owners

Section 400.3240. Regarding Applications For Conditional Use Permits or Variances.

[R.O. 2011 §34-171.2; Ord. No. 6139 §1(Exh. A (part)), 1997]

In the case of an application for a conditional use permit or a variance, the Zoning Administrator shall notify all owners of the land within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property subject to such conditional use permit application or application for a variance from this Chapter of the date, location and time of the public hearing.



CUP
UTILIZATION

USES

PARKING REGULATIONS

HOME OCCUPATIONS

DEMENSIONAL REGULATIONS

ASSESSORY OUTDOOR OPERATIONS

CLUSTERING

NON-LOCAL REGULATIONS



AMENDMENT OPTION DISCUSSION

- Require CUP
- Permitted Uses



Thank You



Council Agenda Item Cover

MEETING DATE: January 25, 2021

AGENDA ITEM TITLE: Conditional Use Permit Requirements Along Olive

AGENDA SECTION: Study Session

CAN THIS ITEM BE RESCHEDULED? : Yes

PREPARED/SUBMITTED BY: Clifford Cross, Director of Planning and Development

BACKGROUND REVIEW:

At an upcoming City Council Study Session, the Council will be provided information pertaining to potential zoning ordinance amendments that would require certain businesses obtain a Conditional Use permit prior to establishment.

The primary purpose, of the study session, is to provide City Council information on the Conditional Use permit process and obtain input prior to moving forward with conducting research and beginning the process to draft a proposed text amendment pertaining to Conditional Use permit requirements for certain businesses throughout the City. Staff has provided a "Conditional Use Permit" summary and "Flow Chart" for review outlining the process when applying for a Conditional Use Permit.

Attachments:

1. Conditional Use Summary
2. Conditional Use Flow Chart

Conditional Use Permits

Table of Contents

- I. What Is a Conditional Use Permit?
- II. Pre-Submission Meeting with Zoning Administrator
- III. Forms to Complete/Drawings to Provide
- IV. Fees
- V. Supplemental Requirements - M.V.O.B. (Motor Vehicle Oriented Businesses)
- VI. The Public Hearing Process
- VII. Findings
- VIII. Plan Commission Decisions
- IX. City Council Meeting and Decisions

I. What Is a Conditional Use Permit?

Conditional uses are those types of uses which tend to be problematic because they;

- A. have a tendency to generate significant traffic volumes and/or turning movements,
- B. have operational characteristics that may have a detrimental impact on adjacent or nearby properties, or
- C. have other characteristics which may impact public health, safety, or welfare; but can be approved if such uses meet the criteria established herein.

In order to ensure that detrimental impacts are avoided or mitigated to a satisfactory level, conditional uses must be reviewed, approved and issued a Conditional Use Permit, in accordance with the provisions of Article 11 of the Zoning Code. Conditional uses are listed for each zoning district (see Article 4 of the Zoning Code) and include Motor Vehicle Oriented Businesses (MVOB) as defined in Article 2 (see also Section V of this bulletin).

II. Pre-Submission Meeting with Zoning Administrator

It is strongly encouraged that you schedule a meeting with the Zoning Administrator in advance of the deadline for submitting your application for Conditional Use Permit. Such a meeting will ensure that you have met all submission requirements.

Applicants who do this tend to get through the approval process with less difficulty than those who do not. For appointment call (314) 505-8501.

III. Forms to Complete/Drawings to Provide

Forward **twelve (12) collated copies of the completed application form and all supporting documents** (see below) to the Zoning Administrator, 6801 Delmar Boulevard, Fourth Floor, University City, Missouri, 63130.

The Zoning Administrator will not accept a conditional use permit application without complete supporting drawings and documents (see Deadlines in Section VI).

PLEASE NOTE: All plans must be folded (not rolled) and all forms and supporting documents *must be collated* with each set of the folded plans when submitted.

A. Application Form

Complete the Conditional Use Application form. Use additional sheets if necessary. Twelve (12) copies of the application form are required, including one with an original signature.

B. Memo

In addition to submitting the completed application, the applicant shall be required to submit twelve (12) copies of a memo detailing the following information:

1. Name, address, and telephone number of the legal owners of the property(s) proposed for the Conditional Use Permit and, if different, the person or firm submitting the plan.
2. Legal description of the property(s) proposed for the Conditional Use Permit, when the proposed use involves a substantial addition or new construction.
3. Common street address of the property(s) proposed for the Conditional Use Permit.
4. Description of the proposed Conditional Use, in narrative form. Please include historical information about the applicant, the company and/or the organization. Explain why this particular site was chosen for the proposal, state the number of employees that will be working at the site, state the hours of operation, explain other features unique to the proposed use and submit any other information that will help the Plan Commission and City Council in their decisions.
5. Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties.

C. Site Plan

Attach twelve (12) copies of an accurate site plan, survey, or diagram drawn to scale containing the following information. Please note: Depending upon the exact details of the proposal, you MAY not be required to provide all of the information below on your site plan (for example, grading and drainage details are usually not required for re-use of existing buildings). Please contact the Zoning Administrator at (314) 505-8501 for questions on that issue:

1. Name, address and telephone number of the property owner and, if different, the person or firm submitting the plan.
2. Location map of the property in question.
3. Site Plan, North arrow and plan scale. The plan scale shall be one inch equals twenty (20) feet to one inch equals fifty (50) feet in any increments of ten feet on one or more sheets not less than eight and one-half inches by eleven (11) inches or greater than thirty-six inches by forty-eight inches (36" x 48") in size. The zoning administrator may authorize a different plan scale, so long as the scale is

in ten foot increments and the resulting site plan clearly shows the information required herein.

4. Out-boundary of the lot, including all dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the lot. Also include the lot number and subdivision name, if applicable.
5. The area of the lot in square feet.
6. Delineation and identification of all easements (existing and proposed).
7. The zoning district classification of the lot and of adjacent parcels, where different than the site.
8. Delineation of existing buildings to be retained and proposed buildings. Also indicate the proposed use of the building(s) and the distances, in feet, from the lot lines and right-of-way line(s).
9. Delineation of off-street parking spaces, including itemization of the number of spaces required and proposed. Also indicate typical dimensions for parking stalls, circulation aisle widths, parking bay widths, angle of stalls, and location and dimensions of handicapped parking stalls.
10. Delineation and dimensions of existing and proposed type of pavement and curbing. Also indicate right-of-way width for streets abutting the site.
11. Location of existing and proposed curb cuts.
12. Grading, storm drainage and erosion control plans, in accordance with the requirements of Section 16.12.090, of the University City Municipal Code. The zoning administrator may waive this requirement where little or no grading is to take place. However, this waiver by the city does not relieve the owner from complying with any plan and permitting requirements of metropolitan sewer district or its successor.
13. In situations where landscaping and/or screening is required by this chapter, provide a landscape plan showing existing and proposed landscaping, including the name and size of plant material. Also, provide plans and elevation details of any man-made screening material as may be required by this chapter (e.g., required fencing between residential and non-residential uses, and required screening of mechanical equipment and trash containers).
14. Location, type, dimensions and size of all signs associated with the proposed development (see Article 8 of this chapter).
15. In situations where outdoor lighting is required by Article 7, Section 34-93.7 of this chapter, provide an exterior lighting plan for all parking and common pedestrian areas.
16. For new buildings or buildings undergoing exterior modifications, provide architectural renderings or elevation drawings indicating the type, texture and color of exterior finishes. Also provide the grade floor elevation and building height. For multistory buildings, provide cross-section drawing(s) indicating upper-story floor elevations.

D. Additional Information

Twelve (12) copies of additional information, beyond the requirements listed above, may be requested by the Zoning Administrator, Plan Commission or City Council when such

additional information is determined to be necessary for evaluating the proposed development.

E. Owner Permission Letter

If the applicant is not the current owner of the property, an originally signed letter from that current owner is required granting permission for the applicant to file the application. Please note, only one copy of the owner permission letter is required for the file (it will not be distributed).

F. Electronic Copies of all of the above

It will also be necessary for you to turn in an electronic version (preferably in .pdf format either on cd or through e-mail) of all of the above for submission to the City Council. Please call Zoning Administrator at (314) 505-8501 to discuss details.

Important: Please also see Section V of this bulletin to determine if the Supplemental Requirements for Motor Vehicle Oriented Businesses are required.

IV. Fees

All applications must be accompanied by a **\$250 application fee**. Make checks payable to "City of University City." Application fees are non-refundable, regardless of whether a Conditional Use Permit is approved or denied.

V. Supplemental Requirements - M.V.O.B. (Motor Vehicle Oriented Businesses)

A. Applicability

The provisions of this subsection shall apply only to developments having frontage on or access to Olive Boulevard.

A Motor Vehicle Oriented Business is defined as any commercial use which, by design, type of operation, and nature of business, has as one of its functions, the provision of goods, merchandise or services to motorists or occupants of motor vehicles in a short period of time span for each, or the provision of goods, merchandise or services while patrons remain in their vehicle.

The list of businesses which constitute motor vehicle oriented businesses include convenience stores having a gross floor area of more than 1,000 square feet, gasoline stations, drive-in banks, drive-in or drive-through restaurants, drive-in beverage sales, and car wash operations which are not accessory to a permitted use. This enumeration is not intended to serve as an inclusive list of such MVOB businesses.

B. Locational Requirements

All motor vehicle oriented businesses shall be a minimum of 100 feet from any other motor vehicle oriented business located on the same side of Olive Boulevard, which distance shall be computed as follows:

1. Such distance shall be measured between the two (2) nearest property lines.

2. Where a motor vehicle oriented business is a part of a larger development, the 100 feet shall be measured from the limits of the out parcel, if so designated. If an out parcel is not designated, the distance shall be measured from the boundary of an area which would normally be required for the operation of said motor vehicle oriented business, as approved by the Zoning Administrator.
3. Where a business is located in a tenant space which is part of a multi-tenant development, and would otherwise be considered a motor vehicle oriented business, the provisions of this Section shall not apply so long as the business shall not provide drive-through services to persons while in their vehicles.

C. Site Development Standards

The following site development standards are in addition to other standards contained in the Zoning Code, such as parking and loading, signs, and screening requirements.

1. Lot Area and Dimensional Standards: The following lot area and dimensional standards shall be met for all motor vehicle oriented businesses:

- Minimum Lot Area: 20,000 sq. ft.
- (2) Minimum Lot Frontage: 150 ft.

On corner lots, this frontage requirement shall apply to Olive Boulevard frontage.

2. Minimum Lot Area For Gasoline Stations: Gasoline stations, constituting motor vehicle oriented businesses, shall comply with the following lot area standards:

- (a) Gasoline stations shall be limited to two (2) service islands and three (3) fuel dispensing pumps per island for the first 20,000 square feet of lot area.
- (b) One (1) service island and three (3) fuel dispensing pumps, plus one vehicle service bay (or vehicle repair bay, where permitted) may be added for each 1,500 square feet exceeding the minimum 20,000 square feet of lot area. However, in no case shall more than six (6) service islands be allowed at any gasoline station nor more than three (3) fuel dispensing pumps permitted on each service island, and no more than three (3) vehicle service bays (or vehicle repair bays, where permitted) shall be allowed for each such station.

3. Ingress and Egress:

- (a) The minimum width of driveways at the street right-of-way line shall be twenty-four (24) feet, and the maximum shall be thirty-six (36) feet.
- (b) The minimum distance of any driveway to any side lot line shall be twenty-four (24) feet. This distance shall be measured from the side lot line to the intersection of the street right-of-way line and the edge of the driveway.
- (c) Driveway openings shall be limited to one (1) drive per 100 feet of lot frontage. For parcels with frontage on more than one street, the number of driveway openings shall be based on the frontage length on each street individually.
- (d) The minimum distance between a driveway entrance and a street intersection shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius of the proposed driveway.

VI. The Public Hearing Process

Deadlines

The Plan Commission typically meets on the fourth Wednesday of every month. To be added to a particular meeting's agenda, an application must be accepted no later than twenty-eight (28) days prior to the scheduled meeting date. An application must be fully completed prior to acceptance. No new material or information for that month's meeting will be accepted after the deadline.

It is strongly encouraged that the application be submitted several days early to allow time to remedy any deficiencies. Hearings for incomplete applications at deadline time will be postponed to the following month or the next month the completed application is received before a deadline.

Meeting Date

Once the Conditional Use Permit submittal is complete, the Zoning Administrator will add the application to the next regularly scheduled meeting's agenda. The applicant will be notified by mail of the meeting date.

Notice

The Zoning Administrator notifies the public of the hearing in a newspaper of general circulation. Also property owners within a one hundred eighty-five (185) foot radius are mailed notice of the public hearing on the application.

Staff Report

The Zoning Administrator will prepare a staff report on the application and make a recommendation and forward that to the Plan Commission. The applicant will receive a copy of the recommendation in the mail prior to the meeting date.

Visits to the Property

Members of the Plan Commission may likely visit the property in question a few days before the public hearing in order to familiarize themselves with the conditional use request and its potential impact on the surrounding area.

Procedure At the Plan Commission Hearing

At the public hearing the applicant should be prepared to present the issues cited in the application and give reasons why the permit should be granted (see Section VII of this bulletin concerning the findings of fact). Applicants may represent themselves or have an attorney, contractor, architect, engineer or other professional person represent them and make the presentation on their behalf.

The Chairperson calls the meeting to order, gives a brief overview of conditional use procedure, then introduces the applicant. The applicant will make a presentation before the commission. Then the City gives the Staff recommendation of the project. Then members of the public are invited to speak on the proposal.

VII. Findings

The applicant must substantiate to the Plan Commission through the particular evidence presented that the proposed conditional use:

- A. Complies with all applicable provisions of the Zoning Code;
- B. At the specific location will contribute to and promote the community welfare or convenience;
- C. Will not cause substantial injury to the value of neighboring property;
- D. Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City; and
- E. Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the Zoning Code.

VIII. Plan Commission Decisions

Once the Plan Commission is satisfied that they have heard all relevant facts, it shall recommend (by vote and written decision) to the City Council that the Conditional Use Permit be approved, denied, or approved with conditions. The Plan Commission normally votes on the application during the same meeting as the public hearing.

IX. City Council Meeting and Decisions

After the Plan Commission meeting, the application will proceed to the next regularly scheduled City Council meeting (but not earlier than two weeks from the Plan Commission meeting). The Council may deny, approve, or approve with conditions, including the adoption of the Plan Commission's recommendations on conditions of use or a modified version thereof.

The City Council may refer the application back to the Plan Commission for further study before making its final decision.

Conditional Use Permit

DRAFT

